

AN AMENDED RESOLUTION

04-R - 1158

BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

**A RESOLUTION AUTHORIZING THE SETTLEMENT OF ALL CLAIMS IN THE CASE OF LAVONIA CONNER V. THE CITY OF ATLANTA, ET AL., SUPERIOR COURT OF FULTON COUNTY, STATE OF GEORGIA, CIVIL ACTION FILE NO. 2000-CV-31955, IN THE AMOUNT OF \$67,500.00; SAID PAYMENT IS TO BE CHARGED TO AND PAID FROM FUND 1A01 (GENERAL FUND) ACCOUNT 529017 (PROPERTY LIQUIDATION) AND CENTER NUMBER T31001 (NON-DEPARTMENTAL) AND FOR OTHER PURPOSES.**

WHEREAS, *Lavonia Conner v. The City of Atlanta*, et al. is case in which the Plaintiff, Lavonia Conner, sued the City for breach of contract, equitable relief and other claims for damages sustained on her residence at 230 Ormond Street;

Whereas, Plaintiff after moving out of a dilapidated 80-year old house with a collapsed roof, entered into a rehabilitation program contract with the City where the City was responsible for selecting and hiring a builder to bring the house up to building code specifications;

WHEREAS, the contractor hired by the City tore off the roof and removed part of the floor but failed to complete the work leaving Ms. Conner's house in a substantially more dilapidated condition than he found it;

WHEREAS, the City attempted to hire another contractor, but the bids exceeded the funding limits of the City's housing rehabilitation program;

WHEREAS, the trial court granted summary judgment to Plaintiff and awarded her the sum of \$100,000.00 damages plus attorney's fees of \$17,500.00;

Whereas, the City appealed the damages award as excessive to the Georgia Court of Appeals;

WHEREAS, the Georgia Court of Appeals agreed with the City and remanded the case to the trial court with directions to conduct a new hearing on the issue of damages stating that the appropriate award is "significantly less" than the \$100,000.00;

WHEREAS, the Plaintiff has agreed to \$50,000.00 plus attorney's fees of \$17,500.00 as full settlement of all claims; and



WHEREAS, the City Attorney has performed an extensive review of the facts and the law and determined that the settlement amount comports with the Georgia Court of Appeals remittur; and

WHEREAS, the City Attorney considers the settlement to be in the best interest of the City of Atlanta.

**THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA** hereby resolves as follows:

**SECTION 1.** The City of Atlanta is hereby authorized to settle the case of *Lavonia Conner v. The City of Atlanta*, et al. in the amount of Sixty Seven Thousand Five Hundred Dollars (\$67,500.00) inclusive of the award for attorneys fees.

**SECTION 2.** That the Chief Financial Officer is authorized to pay to Attorney Gary Leshaw on behalf of Lavonia Conner, the sum of \$67,500.00. Said payment is to be charged to and paid from Fund 1A01 (General Fund) Account 529017 (Property Liquidation) and Center Number T31001 (Non-Departmental) and for other purposes.

A true copy,

  
Deputy Clerk

**ADOPTED** as amended by Council  
**APPROVED** by the Mayor

July 6, 2004  
July 14, 2004

RCS# 5880  
7/06/04  
3:18 PM

Atlanta City Council

Regular Session

CONSENT I                      CONSENT I PG(S) 1-9, EXCEPT:04-R-1187  
                                    04-R-1179 04-R-1143 03-O-1690  
                                    ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	NV Muller	Y Maddox	Y Norwood
NV Young	Y Fauver	Y Moore	Y Mosley	Y Willis

CONSENT I

7-06-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1036 2. 04-O-1037 3. 04-O-1038 4. 04-O-1039 5. 04-O-1040 6. 04-O-1041 7. 04-O-1042 8. 04-O-1196 9. 04-O-1013 10. 04-O-1014 11. 04-O-1050 12. 04-O-1054 13. 04-O-1055 14. 04-O-1058 15. 04-R-1152 16. 04-R-1153 17. 04-R-1158 18. 04-R-1193 19. 04-R-1155 20. 04-R-1149 21. 04-R-1150 22. 04-R-1033 23. 04-R-1146 24. 04-R-1148 25. 04-R-1159 26. 04-R-1160 27. 04-R-1161 28. 04-R-1187 29. 04-R-1188 30. 04-R-1189 31. 04-R-1190 32. 04-R-1191 33. 04-R-1192	34. 04-R-1163 35. 04-R-1164 36. 04-R-1165 37. 04-R-1166 38. 04-R-1167 39. 04-R-1168 40. 04-R-1169 41. 04-R-1170 42. 04-R-1171 43. 04-R-1173 44. 04-R-1174 45. 04-R-1175 46. 04-R-1176 47. 04-R-1177 48. 04-R-1179 49. 04-R-1180 50. 04-R-1181 51. 04-R-1182 52. 04-R-1183 53. 04-R-1184 54. 04-R-1185 55. 04-R-1186

04-1158

(Do Not Write Above This Line)

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PUBLIC SAFETY AND LEGAL  
ADMINISTRATION COMMITTEE

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Jerry L. DeLoach  
Deputy City Attorney

As Amended JUL 06 2004

- ☐ CONSENT REFER  
☐ REGULAR REPORT REFER **COUNCIL**  
☐ ADVERTISE & REFER  
☐ 1st ADOPT 2nd READ & REFER  
☐ PERSONAL PAPER REFER

Date Referred  
Referred To:

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee Date  
Chair  
Referred To

Committee Date

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Committee Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Committee Date

Chair

Action  
Fav, Adv, Hold (see rev. side)  
Other

Members

Refer To

Refer To

FINAL COUNCIL ACTION

☒ 2nd ☐ 1st & 2nd ☐ 3rd

Readings

☐ Consent ☐ V Vote ☒ RC Vote

CERTIFIED

CERTIFIED  
JUL 06 2004  
COUNCIL CLERK

CERTIFIED  
JUL 06 2004  
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED  
MAYOR